

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – FEBRUARY 7, 2006**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Housel, Turner, Glaser, Woykowski, Van Deursen and Buoye –
6 Present.

Absent: Oakley – 1 Absent.

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES:

Reorganizational Meeting – January 3, 2006

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held January 3, 2006. Two minor typos were noted on Page 2 and Page 36 of which the Clerk noted.

It was therefore moved by Glaser, seconded by Turner that the minutes of the reorganizational meeting held January 3, 2006 be approved as corrected.

Roll Call: Glaser, Turner, Van Deursen, Buoye and Woykowski – Ayes: 5,
Nays: 0 – Abstained: Housel.

Motion carried.

COMMUNICATIONS:

The following communications were entered into the record:

- 1) Invitation to Business Awards Cocktail Reception;
- 2) NJLM Re: Mayor’s Day
- 3) NJLM Re: Smoke Free Act;
- 4) Comcast Re: Juvenile Gang Violence;

- 5) NJLM Re: Pay to Play Law and other News;
- 6) NJLM Re: S-319 Last Best Offer;
- 7) NJLM Re: Sample Resolution for S-319 Last Best Officer
- 8) NJLM Re: SCS-557, Recycling; and
- 9) NJ Highlands Council Meeting Notice

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by Glaser, seconded by Turner that the communications numbered #1 thru #9 be acknowledged, received and filed.

Discussion: Mayor Van Deursen noted the Business Improvement Awards Cocktail reception and urged members of Council to attend.

Ayes: 6, Nays: 0.
Motion carried.

PUBLIC HEARINGS:

Business Improvement District Budget

Mayor Van Deursen opened up the public hearing for questions or comments on the Business Improvement District Budget.

There were no comments from the audience.

Hearing no further comments from the public it was moved by Glaser, seconded by Turner that the public hearing be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council discussion followed at which time it was moved by Turner, seconded by Buoye that the following Resolution be adopted approving the Business Improvement District Budget for 2006:

RESOLUTION #61-2006

APPROVING THE BUDGET OF THE WASHINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT

WHEREAS, at its meeting of January 3, 2006, the governing body of the Borough of Washington introduced and approved the Washington Borough Special Improvement

District budget for the period January 1, 2006 – December 31, 2006, which budget is annexed hereto; and

WHEREAS, after notice and advertisement in a newspaper of general circulation, the governing body of Washington Borough conducted a public hearing on February 7, 2006; and

WHEREAS, the governing body of Washington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budgets were (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Washington having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to adopt the budget after closing the hearing;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Washington that:

- (1) The Washington Borough Special Improvement District budget is approved by the governing body of the Borough of Washington and it is approved for the period of January 1, 2006 – December 31, 2006 in the amount of \$214,750.00 to the Washington Borough Business Improvement District Management Corporation.
- (2) This special assessment is hereby imposed and shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Washington as set forth within Ordinance #7-2003 as amended and the assessment as follows:
- (3) Payment the District received by the Borough of Washington shall be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and
- (4) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Washington Borough Business Improvement District

Management Corporation, the Warren County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

(5) Budget:

2006 BUDGET FOR MANAGEMENT CORPORATION

Management (\$92,500): this consists of a full time Executive Director (\$55,000) Part-time staff (\$25,000).

General Administration (\$28,200): To cover the cost of an accountant, legal and professional services, and office supplies, and equipment, office rent and repairs, telephone, janitorial, utilities, conferences and dues and fees.

Insurance (\$3,500): Liability and corporate insurances, and health insurance for Executive Director.

Promotions and Public Relations (\$65,050): To promote and market the district as a premier destination to shop and conduct business. This includes concert series, newsletters, banners, and advertisements.

Quality of Life (\$12,000): **Clean & Safe**; Directed towards cleaning services, and common area environmental improvements. **Parking & Pedestrian improvement**: this is a focus on parking management, pedestrian crossing upgrades, signage, and lighting.

Grantmanship (\$13,500) These funds will be used to retain a grants and fundraising consultant.

Public Hearing – Green Acres Grant Application for Railroad Avenue Park –
Presented by Terry Finnegan and Jeffrey Bottger of T & M Associates

Mayor Van Deursen opened up the public hearing.

Mr. Jeffrey Bottger of T & M Associates with the assistance of Terry Finnegan, Chairman of the Recreation Commission outlined Phase I of the Railroad Avenue Park Project. The Recreation Commission is requesting that the Mayor and Council authorize the filing of an application for a loan of \$ 500,000.00 from the State NJ DEP – Green Acres Program.

The scope of the project was outlined calling for a multi-purpose field to be used by a wide specter of the community.

The parcel consists of 15.56 acres. Phase I would consist of the construction of a multi-purpose field and parking for 45 cars. This field would accommodate soccer, football and field hockey. Access would be from Railroad Avenue. This application would cover the site work, storm drainage, gravel driveway and parking lot for the 45 cars, walk/ways and trails, landscaping restoration, utilities, permit fees, par appurtenances such as benches, etc. and 10% for any other contingencies and costs for professional services.

Mr. Bottger informed the governing body that the deadline for submitting the application has been extended from February 15th to April 15th with the announcement for the awards either late summer or early fall.

This field was purchased with some Green Acres funding and the Borough stands a good chance of getting full funding or at least partial. Mr. Bottger urged the various organizations that are interested in utilizing the multi-purpose field to write letters in support of this project.

Mayor Van Deursen entertained questions of the governing body.

Councilman Turner questioned the reasoning for splitting the parking lot? There is definitely the need for more parking on the site.

Councilman Housel questioned whether the project could be scaled down if the full grant is not awarded? Mr. Bottger indicated that it could certainly be scaled back if need be.

Councilwoman Glaser questioned if there was a match with this grant? This application is for a loan.

Mayor Van Deursen entertained comments from the audience as well.

Patricia Post, 2 James St. questioned why the funds couldn't come from the Recreation Commission budget. There is more important things that need to be done in this town other than another park.

James Prendergast, 97 Flower Avenue spoke in favor of the application. As a member of the Recreation Commission and a soccer coach the present field that they are using at the school are deteriorating from the extreme use of these fields. The Recreation Commission cannot continue to use these fields.

Councilwoman Glaser asked what plans did the Recreation Commission have for raising funds to repay this loan? Chairman Finnegan indicated that they could charge the different organizations for use of the field. Other programs can be generated that would increase their revenues.

Councilwoman Glaser noted that presently the Recreation Commission would be looking for the Council to budget for paying back this loan.

Councilwoman Glaser asked if the Recreation Commission was in a position to oversee both of their projects (swimming pool and railroad avenue project) at the same time with the assistance of the Borough Manager. Has the Recreation Commission given any consideration as to how their plans will impact on the taxpayers of the community?

Mr. Finnegan noted that this parcel was purchased to develop it as a park to provide additional recreational facilities for our children. They do not have adequate fields to accommodate the number of children enrolled in their programs presently.

Councilman Glaser recognized the fact that there is a need for these facilities but she did not want to see the total burden shifted to the taxpayers through their taxes. The Recreation Commission should come up with a modest plan for generating additional revenues and programs to help pay for this loan.

Mayor Van Deursen noted that the Council that the governing body did commit to purchasing this parcel for future recreational facilities. The governing body also charged the Recreation Commission with coming up with a plan. Council also requested them to do the project in phases which they have done. She suggested that perhaps other sources of funding be sought such as grants or the open space monies through the County.

Councilwoman Glaser noted that she would like to see one of their projects completed before jumping into multiple projects. She would like to see them concentrate on the upgrading of the pool facilities.

Councilman Turner also felt that he would like to see one project completed and done well. Were applying for too many projects and there not getting done.

Councilwoman questioned what the principal and interest payment was for a loan of this size. It is estimated that the payment would be \$ 20,400.00.

Councilwoman Glaser stated that the Recreation Commission has not given any thought to generating any additional revenue. They have not been self-supporting and are running in the red.

Councilman Turner suggested seeking private donations from businesses. Also, grants should be sought. Some grants do not require any payback.

Councilwoman Woykowski noted that she has not seen any tremendous increase in the revenue picture.

Chairman Finnegan explained that the Commission has talked about private donations. However, the Borough must be behind these projects.

Councilman Housel asked if the Recreation Commission had a time-line in place if this loan were awarded? A plan should definitely be in place for implementation.

The timeline would begin upon notification of the award. Three months for preparation of their plans, one month for acceptance of bids and paperwork and three months for construction with completion in the fall of 2007.

Councilman Turner noted that the park and recreational facilities is important to the community but if we place too much of a burden on the taxpayers they will move out of town. I do believe we need this facility. The Washington Redskins Football Team are losing their field.

Pat Post, 2 James Street questioned why Council was authorizing the expenditure of more money at the town pool. How much can the taxpayers take? Many pools in the area have been closed because they are not self-supporting.

The pool should be self-sufficient. Chairman Finnegan noted that the Recreation Commission has submitted a five year expenditure plan to the Borough Manager and they have reduced their costs by fifty (50%) percent. As far as the other Green Acres Loan Chairman Finnegan noted that the former Borough Manager accepted this loan and the Commission was never consulted. The Recreation Commission needs to know what the governing body expects of them.

Dawn Higgins, 113 Harding Drive and member of the Commission noted that the Commission has always wanted to make the park pool affordable to our own Borough residents and have moved very cautiously in raising the membership rates too high.

Councilman Turner noted that he was looking for monthly reports from the Recreation Commission as well as figures on their operations.

Hearing no further comments from the public, it was moved by Glaser, seconded by Housel that the public hearing be closed.

Ayes: 6, Nays: 0. – Motion carried.

Council discussion followed at which time a motion was made by Turner, seconded by Housel that this resolution for authorizing the Green Acres Grant be tabled until the March 7th meeting and that the Recreation Commission come forth with a business plan outlining the time frame for this project and come up with some proposals for generating other sources of revenue to pay for this project other than thru the taxpayers.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #1-2006 – Creating the Position of Housing Officer (Final Passage)

An ordinance providing for the position of Housing Officer was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Buoye that the Clerk read Ordinance #1-2006 by title only.

Roll Call: Buoye, Housel, Woykowski, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #1-2006 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Mayor Van Deursen opened up the public hearing from the audience for their questions or comments.

Hearing none, it was moved by Housel, seconded by Glaser that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: None.

It was moved by Glaser, seconded by Housel that Ordinance #1-2006 be adopted on final passage and that final publication be made as prescribed by law

Roll Call: Buoye, Woykowski, Housel, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE #1-2006

**AN ORDINANCE TO AMEND AN ORDINANCE
CREATING THE POSITION OF HOUSING OFFICER.**

BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that the following amendments be made to the Zoning and Land Development Ordinance (Chapter 94) of the Borough of Washington:

AMEND Section 3. F. Powers and duties.

(3) (a.) If an outside agency is utilized for the oversight and administration of the housing rehabilitation program, no Borough funds shall be utilized to defray the costs associated with the program.

Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Ordinance #2-2006 – Salary Ordinance – Non Union (First Reading)

An ordinance providing the salary range for the Director of Parks and Recreation was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Housel that the Clerk read Ordinance #2-2006 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #2-2006 entitled, “AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES.

Council Discussion: Extensive discussion followed. Councilwoman Woykowski noted that the Council still does not have a job description of the duties of a full-time Recreation Commission Director. They also have not seen a budget from the Recreation Commission.

Manager Sheola noted that he has prepared a budget. The salary should come out of the Recreation Commission budget.

Councilwoman Woykowski stated that she did not think things were being handled properly. Council needs to look at the Recreation Commission budget.

Deputy Mayor Glaser noted that the Council has not received any of the information they asked for from the Recreation Commission.

A motion was made by Glaser, seconded by Buoye that Ordinance #2-2006 be approved on first reading.

Roll Call: Housel, Buoye, Van Deursen and Glaser – Ayes: 4,
Woykowski and Turner – Nays: 2.

Motion carried.

It was further moved by Housel, seconded by Glaser that Ordinance #2-2006 be published in the Star Gazette on February 16, 2006 and that the public hearing be scheduled for March 7, 2006.

Roll Call: Glaser, Turner, Van Deursen, Buoye and Housel – Ayes: 4,
Woykowski and Turner – Nays: 2.

Motion carried.

Recreation Commission Ordinance Re: Full-Time Recreation Director

Council briefly discussed the ordinance that will be considered for adoption that will provide for a full-time Recreation Director. The proposed ordinance was reviewed by the Recreation Commission as well. Council reviewed their recommendations and changes and still felt that the chain of command should remain in the context of the ordinance. They also felt that items 5 and 6 in (f) should remain as well.

The Council felt that the liaison member from the governing body should serve on the Recreation Commission. This is a policy decision that would be handled as a resolution by the governing body.

It was also felt that (g) should remain as well.

This ordinance will be considered at the next Council meeting.

Council took a short recess at 9:40 PM prior to going into **Executive Session** to discuss a personnel matter.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Housel, seconded by Glaser that the Council go back into open session at 10:00 PM.

Ayes: 6, Nays: 0.
Motion carried.

REPORTS:

It was moved by Glaser, seconded by Turner that the Recreation Commission, Borough Clerk's, Police, Borough Engineer's, Road Department, Zoning/Code Enforcement and Borough Manager's reports be accepted as presented and filed.

Discussion: Councilman Turner addressed the engineer's reports and needed further explanation on several items on his report. He felt that there should be more summarization and follow-up. The engineer should be here to discuss and update items in his report. Councilman Turner suggested that perhaps goals should be established for the engineer.

Councilwoman Woykowski questioned the costs involved in the preparation of the survey and mailing for the N. Prospect Street speed bump issue. The Borough could have sent out the letter themselves. Input from the Road Department of the speed bumps should also be done.

The Mid-Block Crosswalk permits are on the Manager's desk and vouchers on the bill list this evening.

Ayes: 6, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained additions or questions on the vouchers and claims for payment.

Hearing none, it was moved by Glaser, seconded by Housel that the vouchers and claims be paid in the amount of \$ 583,639.36 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Glaser and Turner.

Ayes: 6, Nays: 0. - Motion carried.

OLD BUSINESS:

Council Goals – 2006/2007

Tabled for the next meeting.

Review of the Administrative Code

Review of the first part of the Borough Code will be concentrated on this year regarding the Borough's organization. The ordinances will be updated and stream-lined.

MP3 Report & Re-organization of Committee

The committee would like Carl Hintz, Planner to meet with the governing body. Everything has been submitted to the Highlands Committee – Stormwater Management and Historic Preservations plans.

The Re-Development Committee will be meeting on Wednesday morning to plan on where we should go on the re-development process. The committee was re-affirmed and the following people are on the Committee:

Frank Mangiacotti, Andrew Turner, Charles T. Housel, Mayor Van Deursen, Borough Manager, Richard Sheola, Carl Hintz, Planner, Richard Cushing, Esq., Municipal Attorney, Ann Hardiman, Rosemarie Hoover, Jim Rimi, Gary Pohorely and a bid member to be chosen by the Board.

It was moved by Glaser, seconded by Turner that Council re-affirm the appointment of the Re-development Committee as recommended by the Mayor.

Ayes: 6, Nays: 0.
Motion carried.

A Power-Point presentation will be scheduled for the second meeting in March.

Councilwoman Woykowski would still like to see the minutes of the meetings of the Re-Development Committee.

NEW BUSINESS:

Increase in Maximum Fines – Municipal Ordinances

As per the recommendation of Richard Cushing, Esq., Council directed that the necessary ordinance be prepared for increasing the maximum fines on the Borough's municipal ordinances.

Resolutions #47-2006 thru #52-2006 & #58-2006

The following Resolutions were moved on a motion made by Housel, seconded by Glaser and adopted:

RESOLUTION #47-2006

**A RESOLUTION AUTHORIZING REFUND OF PRIOR
YEAR DUPLICATE TAX PAYMENT.**

WHEREAS, according to the Tax Collector's records they show a duplicate payment of \$ 1,824.05 for fourth quarter taxes by PHH Mortgage through First American Real Estate on behalf of homeowner Winsten Blyd, Block 12, Lot 007, known as 31-33 North Lincoln Avenue, Washington, NJ; and

WHEREAS, the Tax Collector's office has received a written request from First American Real Estate Tax Service that the above amount should be refunded to:

First American Real Estate Tax Service
1201 Elm Street, Suite 300
Dallas, TX 75270

Attn: Refunds Department
Loan #065173781

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector is authorized to refund the duplicate payment of \$ 1,824.05 as directed.

Roll Call: Glaser, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #48-2006

**A RESOLUTION AUTHORIZING REFUND OF PRIOR
YEAR DUPLICATE TAX PAYMENT.**

WHEREAS, the Tax Collector's records show receipt on October 26th, 2005, of a duplicate payment of \$ 1,146.95 for fourth quarter 2005 taxes by World Savings, through First American Real Estate on behalf of homeowner Chad Corner, Block 2.06, Lot 006, known as 351 North Prospect Street

This duplicated a payment received on October 21, 2005, from Atlas Title, in the same amount, on behalf of new homeowners, Mr. & Mrs. Dominic; and

WHEREAS, the Tax Collector's office has received a written request from First American Real Estate Tax Service that the above amount should be refunded to:

First American Real Estate Tax Service
1201 Elm Street, Suite 300
Dallas, TX 75270
Attn.: Refunds Department

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector is authorized to refund the duplicate payment of \$ 1,146.95 as directed.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #49-2006

**A RESOLUTION AUTHORIZING THE REFUND OF PRIOR
YEAR DUPLICATE TAX PAYMENT.**

WHEREAS, the Tax Collector's records show receipt on October 26th, 2005 of a duplicate payment of \$ 1,899.49 for fourth quarter 2005 taxes by Chase Home Finance, through First American Real Estate on behalf of homeowners Alan & Diane Fisher, Block 006, Lot 021, known as 68 Carlton Avenue. This duplicated an earlier payment received on October 13th, 2005, from Attorney Lieberman, on behalf of new homeowner, Jane Ten Eyck; and

WHEREAS, the Tax Collector's office has received a written request from First American Real Estate Tax Service that the above amount should be refunded to:

First American Real Estate Tax Service
1201 Elm Street Suite 300
Dallas, TX 7527

Attn: Refunds Dept.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector is authorized to refund the duplicate payment of \$ 1,899.49 as directed.

Roll Call: Glaser, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #50-2006

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
23/9	Mueller, Barry & Ruth Ann 37 Belvidere Aenue	\$ 21.50

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 21.50 should be mailed to:

Barry & Ruth Ann Mueller
30 Pleasant Valley Road
Washington, NJ 07882

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Turner, Glaser, Buoye, Van Deursen, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #51-2006

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
97.02/5	Rush, Michael & Anne 28 Nunn Avenue	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Michael & Ann Rush
327 Jonestown Rd.
Oxford, NJ 07863

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Glaser, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #52-2006

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
15.01/3	Ferguson, Jay & Lynda 70 Grand Avenue	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Jay & Lynda Ferguson
24922 Frederick Street
St. Clair Shores, Michigan 48080

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Glaser, Turner, Van Deursen, Buoye Housel and Woykowski.

Ayes: 6, Nays: 0.

Motion carried.

RESOLUTION #58-2006

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
2.02/2	Kleen, Frederick 15 North Prospect St.	\$ 40.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 40.00 should be mailed to:

Frederick Kleen
800 Musket Ridge Rd.
Glen Gardner, NJ 08826-3050

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Turner, Woykowski, Glaser, Van Deursen, Buoye and Housel.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #54-2006 – Inter-Local Agreement – Taylor Street Parking Lot

The following Resolution was moved by Housel, seconded by Turner and adopted:

RESOLUTION #54-2006

**A RESOLUTION TO AUTHORIZE THE SIGING OF AN
INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF
WASHINGTON AND THE BOARD OF EDUCATION OF THE
BOROUGH OF WASHINGTON.**

WHEREAS, N.J.S.A. 40:8A-3 authorizes the adoption of an interlocal agreement by resolution of the governing body of the local unit; and

WHEREAS, the Borough of Washington and the Board of Education of the Borough of Washington have negotiated an agreement for the development of a parking lot; and

WHEREAS, both the Borough of Washington and the Board of Education of the Borough of Washington have determined that the interlocal agreement is in the best interest of their respective local unit; and

WHEREAS, the Mayor and Council of the Borough of Washington have determined terms and conditions for the development of a parking lot to be financially advantageous to the residents of the Borough of Washington.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Mayor and Clerk are authorized to sign the attached interlocal agreement between the Borough of Washington and the Board of Education of the Borough.

Discussion: Council wanted to know the time frame for the work. The project will begin when the weather breaks. The work will be completed by the end of May. Three weeks total to complete the project.

Roll Call: Woykowksi, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #55-2006 – Amendment to Temporary Budget

The following Resolution was moved by Housel, seconded by Glaser and adopted:

RESOLUTION #55-2006

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY CURRENT FUND
APPROPRIATIONS.**

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payment are to be made prior to the final adoption of the 2006 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TEMPORARY APPROPRIATIONS – 2006 BUDGET

Public Safety

Hydrant Rental \$ 600.00

Utilities

Fuel Oil \$1,000.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey provide for an appropriation in the 2006 Operating Budget for \$ 13,190.78 representing the overages collected for the Washington Borough Business Improvement District.

Discussion: Council discussion followed. The auditor's have recommended that a line item be inserted in this year's budget.

Roll Call: Turner, Glaser, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #57-2006 – Appointment of Deputy Registrar and Alternate Registrar

The following Resolution was moved by Glaser, seconded by Turner and adopted:

RESOLUTION #57-2006

APPOINTING A DEPUTY REGISTRAR AND ALTERNATE DEPUTY REGISTRAR

WHEREAS, there are times when the Registrar of the Borough Washington is not available and residents and other customers have a need for certified documents; and

WHEREAS, it is general practice to have other individuals named in the alternate; and

WHEREAS, Deborah Smolar and Barbara Van Why are experienced in the requirements of the Registrar's office; and

WHEREAS, Deborah Smolar and Barbara Why have been approached regarding the additional title of Deputy Registrar and Alternate Deputy Registrar respectively and have agreed to the additional positions without additional compensation.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Washington that:

Deborah Smolar is hereby appointed Deputy Registrar for the Borough of Washington and Barbara Van Why is hereby appointed Alternate Deputy Registrar for the Borough of Washington.

Discussion: Debra Smolar will be taking the required certification courses.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #59-2006 – ABC Washington, Inc.

The following Resolution was moved by Glaser, seconded by Buoye and adopted:

RESOLUTION #59-2006

**RESOLUTION REGARDING INCOMPLETE OR UNSATISFACTORY
IMPROVEMENTS AS TO ABC WASHINGTON, INC. VALLEY VIEW A/K/A
VILLAGE GATE DEVELOPMENT IN THE BOROUGH OF WASHINGTON.**

WHEREAS, the Borough of Washington has received from the Borough Engineer, Robert Miller, P.E. a report setting forth incomplete and/or unsatisfactory improvements located on property ABD Washington, Inc. Valley View a/k/a Village Gate Development (“the Property”) pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-53; and

WHEREAS, the Borough Engineer’s report lists incomplete and/or unsatisfactorily completed improvements on the Property; and

WHEREAS, the Developer, Village Gate at Washington, requested that it be released from its performance bond for the Property; and

WHEREAS, per the Borough Engineer’s recommendation, the Developer cannot be released from its performance bond until such time as the improvements listed by the Borough Engineer are completed in a satisfactory manner.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that:

1. The Borough Council of the Borough of Washington hereby adopts the Borough Engineer’s recommendations contained in the Borough Engineer’s memorandum of November 23, 2005, attached hereto as Schedule A, listing the incomplete and/or unsatisfactory improvements located on the Property.
2. The Borough Council disapproves any reduction in the performance guarantee of the development for this project until such time as all the improvements

listed are satisfactorily completed according to an updated report from the Borough Engineer.

3. Should the Developer fail to complete all such improvements no later than 60 date of this resolution, the Borough Manager, Borough Attorney and Borough Engineer are authorized to proceed to complete the work set forth in the Engineer's memorandum and charge the same against the Developer's Performance Bond.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #60-2006 – Refund monies and cancel 2004 taxes per tax appeal

The following Resolution was moved by Glaser, seconded by Buoye and adopted:

RESOLUTION #60-2006

**A RESOLUTION TO REFUND TAX MONIES AND CANCEL
2004 TAXES PER TAX COURT APPEAL.**

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2004 for the property listed below:

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR/AMOUNT</u>
040/001	ABD Washington, Inc. c/o Bogatch N. Pickel Ave.	2004 Taxes \$ 1,143.75
	TOTAL	\$ 1,143.75

Refund payable to: ABD Washington, Inc., c/o Bogatch, PO Box 126, Changewater, NJ 07831.

WHEREAS, due to the Tax Court Judgment the assessed value for the land has been reduced from \$ 75,000 to 0 which creates this overpayment and the 3rd and 4th quarter 2004 taxes will be cancelled due to this judgment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector and Treasurer to refund the above tax overpayment and authorize the Tax Collector to cancel the 3rd and 4th quarter 2004 taxes.

Roll Call: Turner, Glaser, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.

Motion carried.

Applications for Raffle Licenses – Washington Woman’s Club and St. Joseph Couples Club

An application for a raffle license was submitted from St. Joseph Couples Club. The application is in order and fees paid.

It was moved by Glaser, seconded by Buoye that the Clerk be authorized to issue a license to St. Joseph Couples Club.

Ayes: 5, Nays: 0. – Abstained: 1.

Motion carried.

An application for raffle license was submitted from the Washington Woman’s Club. The application is in order and fees paid.

It was moved by Glaser, seconded by Buoye that the Clerk be authorized to issue a license to the Washington Woman’s Club.

Ayes: 6, Nays: 0.

Motion carried.

Application for Special ABC Permit – St. Joseph Catholic Church

An application for a Special ABC Permit for St. Joseph Catholic Church was submitted for approval. The application being in order, it was moved by Glaser, seconded by Buoye that the application be approved for St. Joseph Church.

Ayes: 5, Nays: 0. – Abstained: 1.

Motion carried.

Letter of Resignation from Recreation Commission – Pete Jacobson

A letter of resignation was received from Pete Jacobson from the Recreation Commission.

It was moved by Glaser, seconded by Turner that the Mayor and Council accept Mr. Jacobson's resignation with regret and that a Certificate of Appreciation be forwarded to him.

Ayes: 6, Nays: 0. – Motion carried.

Resolution #62-2006 – Replacing Pete Jacobson's resignation by moving Joseph Kresser into his un-expired term and moving Erin Czarnecki's up to Alternate #1 replacing Joseph Kresser.

It was moved by Glaser, seconded by Housel that the following Resolution be adopted:

RESOLUTION #62-2006

**RESOLUTION MOVING ALTERNATE #1 TO REGULAR POSITION
REPLACING THE RESIGNATION OF PETE JOACOBSON AND MOVING
ALTERNATE #2 TO ALTERNATE #1**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan "E" of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Board of Recreation with the consent of Borough Council; and

WHEREAS, there is one vacancy left by the resignation of Pete Jacobson who is a regular member; and

WHEREAS, it is the recommendation of the Recreation Commission to move Alternate #1, Joseph Kresser into Pete Jacobson's position and to move Erin Czarnecki to the position of Alternate #1, leaving a vacancy for Alternate #2.

Joseph Kresser - Term to expire January 1, 2007

- Replacing Pete Jacobson

Erin Czarnecki, Alternate #1 - Term to expire January 1, 2008

- Replacing Joseph Kresser

Vacancy for Alternate #2

Roll Call: Woykowski, Housel, Buoye, Glaser, Turner and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #63-2006 – Amendment to PBA Contract RE: Dental Program

The following Resolution was moved by Glaser, seconded by Housel and adopted:

RESOLUTION #63-2006

**APPROVING AMENDMENT TO CONTRACT BETWEEN PBA #280
AND THE BOROUGH OF WASHINGTON**

WHEREAS, the Borough of Washington and PBA #280 approved a labor agreement for the years 2004 thru 2008 on March 1, 2005; and

WHEREAS, the Borough of Washington has agreed to provide a dental insurance program for employees covered by PBA #280; and

WHEREAS, in exchange for the dental insurance program, the membership of PBA #280 have agreed to “give-back” the allowance of optical/dental re-imbursments; and

WHEREAS, the Borough of Washington and PBA #280 wish to memorialize the change to the existing labor agreement to reflect the addition of a dental insurance program and the give-back of the optical/dental allowance as provided in an agreement which is attached and made part thereof of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Washington that the Mayor, Borough Manager and Borough Clerk are authorized to execute the attached Amendment to the Agreement between PBA #280 and the Borough of Washington reflecting the changes noted above.

Roll Call: Glaser, Turner, Buoye, Housel, Woykowski and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

Pre-construction Meeting for E. Church Sreet

The pre-construction meeting was held with regard to the E. Church Street project and starting date is scheduled for the beginning of March. They will work around the school's schedule. The job is scheduled for completion within one month and the street will remain passable. A two day notice will be given to residents if their driveway entrances will unavailable at any point in time during the project.

Executive Session – Litigation and Contracts

It was moved by Glaser, seconded by Buoye that the Council go into Exeucutive Session to discuss litigation and contracts.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Glaser, seconded by Buoye that the Council go back into open session at 11:20 PM.

Ayes: 6, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Glaser, seconded by Buoye that the meeting be adjourned at 11:20 PM.

Ayes: 6, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk